

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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CAROLYN GRACE ALLEN and )  
THERESE T. JOHNSON, Beneficiaries of the )  
Elise Tuckerman Trust, )  
)   
Plaintiffs/Counterclaim Defendants )  
)   
v. )  
)   
BANK OF AMERICA PRIVATE BANK, N.A. )  
Trustee and BANK OF AMERICA CORPORATION, )  
)   
Defendants/Counterclaim )  
Plaintiffs/Third-Party Plaintiffs )  
)   
v. )  
)   
RICHARD STROTHER, EDWARD B. PILE, and )  
ROGER S. PILE, Beneficiaries of the Elise Tuckerman )  
Trust, )  
)   
Third-Party Defendants. )

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CASE NO. 1:23-cv-00383-  
MSM-LDA

**ORDER AND DECREE**

The Court, after due consideration of the pleadings and the Joint Motion to Approve Resignation of Bank of America, N.A. as Co-Trustee of the Elise S. Tuckerman Testamentary Trust, the Discharge of Bank of America, N.A. as Co-Trustee of the Elise S. Tuckerman Testamentary Trust, and Appointment of Carolyn Grace Allen as Successor Co-Trustee;

And whereas the Parties have all agreed to the terms set forth in the Settlement Agreement, filed herewith under seal;

And whereas all beneficiaries and both current co-trustees and the proposed successor co-trustee have all agreed to the terms of the Settlement Agreement;

And whereas no beneficiary has alleged that the Settlement Agreement was induced by any improper conduct of Bank of America Corporation or Bank of America, N.A.;

And whereas no beneficiary has objected that the co-trustees have not made available to all parties sufficient information to enable them to assess the fairness of the Settlement Agreement and to object to same should they do desire;

And whereas no beneficiary or co-trustee or successor co-trustee has demanded an accounting by Bank of America, N.A. or Bank of America Corporation, and each has therefore waived the right to seek an accounting in any court from the date of this Order;

Therefore, the Court hereby Orders, Adjudges, and Decrees as follows:

1. Bank of America, N.A.'s resignation as co-trustee of the Elise A. Tuckerman Testamentary Trust is approved, and Bank of America, N.A. will continue to hold trust assets solely in a custodian capacity in order to transfer those assets to a new financial institution.

2. Carolyn Grace Allen is hereby appointed as successor co-trustee in Bank of America, N.A.'s stead, to serve with Therese Johnson as the two co-trustees of the Elise S. Tuckerman Testamentary Trust.

3. Co-trustees Therese Johnson and Carolyn Grace Allen shall within thirty (30) days of the date of this Order provide complete and accurate instructions to Bank of America, N.A. to enable it to transfer the Trust assets to a new financial institution designated by these two co-trustees.

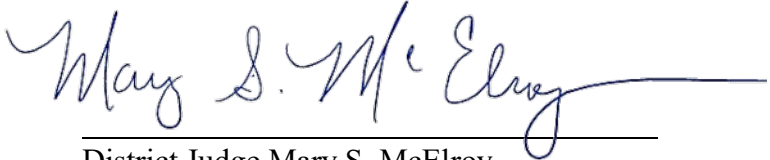
4. Bank of America, N.A. may hold a reserve in the amount of \$15,000.00 for final expenses of trust administration and taxes.

5. Co-trustees Therese Johnson and Carolyn Grace Allen shall, as of the date of this Order, be solely responsible for ensuring compliance with and for all tax obligations and payments and required tax filings by the Trust, and neither Bank of America, N.A. nor Bank of America Corporation shall have any responsibility, duty, or obligation regarding same.

6. It appearing to the Court that the Trust has been duly and properly administered, and having received no objection to the discharge of Bank of America, N.A. by any beneficiary or by co-trustee Therese Johnson or by any successor co-trustee, upon transfer of the Trust assets, Bank of America, N.A. is hereby forever released and discharged from any liability or accountability to anyone, including any beneficiary, co-trustee or success trustee for any acts, demands, .losses, costs and expenses, disposition of assets, or management of administration, or anything whatsoever related to the Elise A. Tuckerman Testamentary Trust, the administration thereof, or the Settlement Agreement, and Bank of America, N.A. is therefore discharged in full from any and all further duties and liabilities in this matter and by reason of the Trust.

7. The Court hereby dismisses this Action in its entirety, with prejudice, including all Complaints, Cross-Claims, Third-Party Complaints, and any and all amendments thereto, but retains jurisdiction over this action and the parties to administer, supervise, interpret, and enforce this Order and Decree.

So Ordered:

  
District Judge Mary S. McElroy  
U.S.D.C., R.I.

Dated: December 5, 2023